

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

Lester E. Thimmes,

:

Plaintiff

: Civil Action 2:07-cv-01243

v.

: Judge Marbley

Michael J. Astrue, Commissioner
of Social Security,

: Magistrate Judge Abel

Defendant

:

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the March 3, 2009 Order, the Report and Recommendation is ADOPTED. Plaintiff's motion for summary judgment is DENIED. Defendant's motion for summary judgment is GRANTED. The decision of the Commissioner is AFFIRMED. Judgment entered for the Defendant.

Date: **March 3, 2009**

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk